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Attorneys for Defendants  
KIAHUNA GOLF CLUB, LLC,  
KG KAUAI DEVELOPMENT, LLC,  
PUKALANI GOLF CLUB, LLC,  
KG MAUI DEVELOPMENT, LLC,  
MILILANI GOLF CLUB, LLC,  
QK HOTEL, LLC, OR HOTEL, LLC,  
AND KG HOLDINGS, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD., a  
Japan corporation,  
Plaintiff,  
vs.  
QK HOTEL, LLC, a Hawaii limited  
liability company, et al.,  
Defendants,  
and  
FRANKLIN K. MUKAI,  
Third-Party Plaintiff,  
vs.  
SPORTS SHINKO (USA) CO., LTD.,  
a Delaware Corporation, et al.,

CV 04-00124 ACK-BMK  
CONSOLIDATED CASES  
STIPULATION IN LIEU OF  
EXHIBITS B, C, D AND E TO KG  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT IN CV  
NO. 04-00128 ACK-BMK; ORDER;  
CERTIFICATE OF SERVICE

DATE: March 20, 2006  
TIME: 9:30 am  
JUDGE: Hon. Alan C. Kay

Third-Party Defendants.

SPORTS SHINKO (USA) CO., LTD.,  
a Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a  
Hawaii limited liability company, et  
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a  
Japan Corporation, et al.,

Third-Party Defendants

SPORTS SHINKO (USA) CO., LTD.,  
a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC, a  
Hawaii limited liability company, et  
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a  
Delaware Corporation, et al.,

CV 04-00125 ACK-BMK

CV 04-00126 ACK-BMK

Third-Party Defendants.	
SPORTS SHINKO CO., LTD., a Japan corporation, Plaintiff, vs. OR HOTEL, LLC, a Hawaii limited liability company, et al., Defendants, and FRANKLIN K. MUKAI, Third-Party Plaintiff, vs. SPORTS SHINKO (USA) CO., LTD., a Delaware Corporation, et al., Third-Party Defendants.	CV 04-00127 ACK-BMK
SPORTS SHINKO (USA) CO., LTD., a Delaware corporation, Plaintiff, vs. MILILANI GOLF CLUB, LLC, a Hawaii limited liability company; et al., Defendants, and FRANKLIN K. MUKAI, Third-Party Plaintiff, vs. SPORTS SHINKO CO., LTD., a Japan Corporation, et al., Third-Party Defendants.	CV 04-00128 ACK-BMK

**STIPULATION IN LIEU OF EXHIBITS B, C, D AND E  
TO KG DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IN  
CV NO. 04-00128 ACK-BMK**

Defendants Kiahuna Golf Club, LLC, KG Kauai Development, LLC, Pukalani Golf Club, LLC, KG Maui Development, LLC, Mililani Golf Club, LLC, QK Hotel, LLC, OR Hotel, LLC, and KG Holdings, LLC (“KG Defendants”), through their attorneys, Price Okamoto Himeno and Lum, Defendant Franklin K. Mukai, through his attorneys, Burke McPheeters Bordner & Estes, and Plaintiffs Sports Shinko Co., Ltd. and Sports Shinko (USA) Co., Ltd., through their attorneys, Alston Hunt Floyd and Ing, hereby stipulate as follows:

A. From January 1, 2000 until February 4, 2002 (Japan time) when the Osaka, Japan District Court appointed a interim administrator (*hozen kanrinin*) in Sports Shinko Co., Ltd.’s corporate reorganization proceeding:

1. Toshio Kinoshita was Chairman of the Board of Directors, President and Representative Director of Sports Shinko Co., Ltd., aka Sports Shinko K.K., aka Sports Shinko Japan (“SS-Japan”).

2. SS-Japan had 180,000 shares of stock. SS-Japan had three shareholders:

a. Toshio Kinoshita owned 105,000 shares of SS-Japan (58.33%).  
b. Kinoshita Kensetsu Co., Ltd., aka Kinoshita Kensetsu K.K., aka Kinoshita Construction Co., Ltd. (“Kinoshita Construction”) owned 60,000 shares of SS-Japan (33.33%).  
c. Misaki Country, aka Misaki Country Club, aka Misaki C.C. Co., Ltd., aka Misaki Kantorii Co. Ltd., (“Misaki Country”) owned 15,000 shares of SS-Japan (8.33%).

3. Kinoshita Construction had 60,000 shares of stock. Three sons of Toshio Kinoshita owned all the stock. Toshio's oldest son, Satoshi Kinoshita, owned 30,000 shares of Kinoshita Construction (50%). Toshio's son Toshiya Kinoshita owned 15,000 shares of Kinoshita Construction (25%). Toshio's son Takeshi Kinoshita owned 15,000 shares of Kinoshita Construction (25%).

4. Misaki Country had 40,000 shares of stock. All of the stock of Misaki Country was owned by SS-Japan.

B. This Stipulation does not preclude the submission of evidence that the period of Toshio Kinoshita's ownership and control over SS-Japan began before January 1, 2000 and extended after February 4, 2002 (Japan time).

C. KG Defendants' Concise Statement of Facts filed January 13, 2006 shall be deemed supplemented to incorporate the foregoing Stipulation where references to Exhibits B, C, D or E are found.

DATED: Honolulu, Hawaii, February 27, 2006.

/s/ Robert A. Marks  
WARREN PRICE III  
ROBERT A. MARKS

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KG KAUAI DEVELOPMENT, LLC,  
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AND KG HOLDINGS, LLC

/s/ Glenn T. Melchinger

PAUL ALSTON  
GLENN T. MELCHINGER

Attorneys for Plaintiffs  
SPORTS SHINKO CO., LTD. AND  
SPORTS SHINKO (USA) CO., LTD.

/s/ William Bordner

WILLIAM BORDNER, ESQ.  
JOHN REYES-BURKE, ESQ.

Attorneys for Defendant  
FRANKLIN K. MUKAI

APPROVED AND SO ORDERED:



*Alan C. Kay*  
\_\_\_\_\_  
Alan C. Kay  
Sr. United States District Judge

STIPULATION IN LIEU OF EXHIBITS B, C, D AND E TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IN CV NO. 04-00128 ACK-BMK; ORDER; Sports Shinko Co., Ltd. v. QK Hotel, LLC, et al. etc., D. Hawaii CV No. 04-00124 and consolidated cases.